

REMARKS

Claims 2, 5-11 and 22 are pending in the application. Claims 5 and 22 have been amended herein.

Each of these claims stand rejected as allegedly being obvious in view of a combination of Anderson, et al. (European Patent No. 0498249), Rossini (U.S. Patent No. 5,658,420), Wallace (European Patent No. 0023788) and Karabedian (U.S. Patent No. 4,626,455). This rejection is respectfully traversed.

As early as the office action of October 20, 2003, Anderson, Rossini and Wallace have been cited in an attempt to define a case for obviousness. In the present action, this rejection has been withdrawn. In fact, the claims as presented on August 20, 2004 (as entered by the RCE filing of October 12, 2004) are specifically indicated to overcome the combination of these three references. However, in an attempt to rebuild the rejection, the Karabedian reference has been cited. It is argued that Karabedian describes a label having a multi-layer structure which is applied to a container in which the shrinkage of the layers is selected to be equal so that the label does not wrinkle. Thus, the office action asserts that one of ordinary skill in the art would recognize the advantage of providing the equal shrinkages rates for multiple materials, as taught by Karabedian, within the label structure of Anderson, which is alleged to show a multi-layer structure comprising a shrinkable web and a splice member. This position is respectfully traversed.

The Karabedian reference merely teaches that it is desirable that there be no wrinkles in the final heat shrinkable label which is formed from two co-extruded materials. To resolve this issue, the shrinkage rate of one layer of material is matched with that of a second layer. Certain

blocking agents and polymer mixtures are suggested for controlling shrinkage, taking into consideration the relative shrinkage rates in the vertical and horizontal directions as well as in the depth of the film. There is nothing in this reference to suggest the use of a separate splice material to secure one label section to a second label section. Moreover, there is nothing in Karabedian that suggests or discloses the use of adhesives to secure the splice to the two label sections. As a result, Karabedian merely indicates that wrinkling is an undesired result in heat shrinkable labels. The solution to that problem is to modify the polymers. Karabedian suggests nothing about splices, which covers only a portion of the underlying label material, or the selection of materials for a splice.

It is admittedly known to include a splice for securing labeled portions together. However, nothing in the prior art suggests or discloses a splice having a bi-directional shrinkage rate that is matched to the material and used within the labels. This splice material is separate from the label material and is applied by an adhesive. The splice joins two label sections and covers only a portion of the label material.

It is admitted in the office action that Anderson fails to teach a splice member made of a heat shrinkable material or one having an adhesive coating on the surface. In fact, Anderson does not describe the construction of a splice member applied by the on-the-fly operation described therein. Although Rossini describes the use of adhesive tapes, there is nothing to suggest that Rossini could be applied to Anderson. Moreover, Wallace specifically indicates that the patch structure "should not be heat-shrinkable" (page 5, line 17-18) and that the resulting dimensional change of the patch member is "preferably substantially zero" (page 6, lines 3-8). Thus, the Wallace reference teaches away from the proposed invention. The mere provision of a

multi-layer material for the label, as discussed in Karabedian, does not further suggest or disclose a splice member that is heat-shrinkable, having shrink characteristics that match those of the underlying label structure.

The proposed combination of Anderson, Rossini, Wallace and Karabedian amounts to a hindsight selection of elements without any suggestion in those references to make the claimed combination. The claimed invention is not suggested or disclosed by any of the multiple references cited.

It is also noted that the claim limitations regarding elimination of distortion of printing and materials must be given patentable weight. Karabedian is specifically cited for this point. Thus, it is argued as both a known feature and alternatively as having no patentable weight. However, Karabedian teaches a method of creating a label using different means than that claimed. The multi-layer label structure of Karabedian has a material combination that is co-extruded. There is no suggestion or disclosure of a splice as a separate element from the label structure as claimed. Karabedian does suggest a structure that resolves the problem of wrinkling within a splice applied to a heat shrinkable label.

Applicants' claimed invention specifically relates to the splicing of label ends together to form a commercially acceptable structure once the label is applied to the container. The use of a heat-shrinkable splice having shrink characteristics that match those of the label to provide a distortion free structure is not suggested or disclosed by the references being cited, or by the prior art of record.

Based upon the foregoing remarks, the claims are believed to be in condition for allowance. An early notice of allowance is respectfully solicited.

Respectfully submitted,

DOUG ULBRICH *et al.*

BY: _____



THOMAS J. DURLING
Registration No. 31,349
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996
Tel: 215-988-3307
Fax: 215-988-2757
Attorney for Applicants